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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

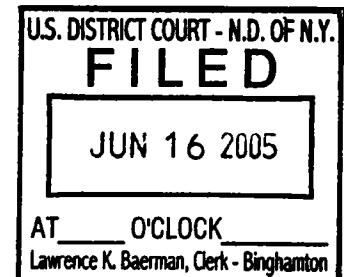
v.

INDICTMENT

3:05-CR-270
[TJM]

DAVID FALSO,

DEFENDANT.



THE GRAND JURY CHARGES THAT:

COUNT 1

[TRAVEL WITH INTENT TO ENGAGE IN ILLICIT SEXUAL CONDUCT WITH
MINORS]

Between in and about May of 2003 and continuing up until on or about June 8, 2005, in the Northern District of New York and elsewhere, DAVID FALSO, the defendant herein who is a United States citizen, did travel in foreign commerce for the purpose of engaging in illicit sexual conduct with female minors under eighteen (18) years of age.

All in violation of Title 18, United States Code, section 2423(b) & (f).

COUNT 2

[TRAVEL WITH INTENT TO ENGAGE IN ILLICIT SEXUAL CONDUCT WITH
MINORS]

Between in and about July of 2000 and continuing up until in and about April of 2003, in the Northern District of New York and elsewhere, DAVID FALSO, the defendant herein who is a United States citizen, did travel in foreign commerce for the purpose of engaging in sexual acts

with female minors under eighteen (18) years of age.

All in violation of Title 18, United States Code, sections 2423(b) and 2246.

COUNTS 3 - 10
[PRODUCTION OF CHILD PORNOGRAPHY]

Between in or about July of 2000 and continuing up until on or about June 8, 2005, in the Northern District of New York and elsewhere, **DAVID FALSO**, the defendant herein, did knowingly and willfully employ, use, persuade, induce and entice a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, and defendant knew and had reason to know that such visual depiction will be transported in interstate and foreign commerce, and such visual depiction has actually been transported in interstate and foreign commerce, in that, during said time period, the defendant caused the photographing of minor females in sexually explicit conduct with a camera, and defendant then caused such images to be transported in interstate and foreign commerce, and each such image is a separate count of this Indictment:

| <u>COUNT</u> | <u>IMAGE</u> . |
|--------------|--------------------|
| 3 | Production Image 1 |
| 4 | Production Image 2 |
| 5 | Production Image 3 |
| 6 | Production Image 4 |
| 7 | Production Image 5 |
| 8 | Production Image 6 |
| 9 | Production Image 7 |
| 10 | Production Image 8 |

All in violation of Title 18, United States Code, Section 2251(a).

Defendant committed the above offenses after he had a prior final conviction under the laws of a state for offenses relating to the sexual exploitation of children and which conviction affects the penalty provisions of Title 18, United States Code, section 2251.

COUNTS 11 - 233
[RECEIVING CHILD PORNOGRAPHY VIA THE INTERNET]

Between in or about July of 2000 and continuing up until on or about June 8, 2005, in the Northern District of New York and elsewhere, **DAVID FALSO**, the defendant herein, knowingly received child pornography and material containing child pornography that had been mailed, transported and shipped in interstate and foreign commerce by any means, including a computer, in that, defendant received via the internet the following listed computer images knowing that the images contained a visual depiction and material containing a visual depiction the production of which involved the use of minors engaged in sexually explicit conduct, as defined in Title 18, U.S.C., section 2256, and each such image is a separate Count of this

Indictment:

| <u>COUNT</u> | <u>IMAGE.</u> |
|--------------|---------------|
| 11 | v0524.jpg |
| 12 | h0194.jpg |
| 13 | h0186.jpg |
| 14 | h0211.jpg |
| 15 | h0541.jpg |
| 16 | h0689.jpg |
| 17 | h0730.jpg |
| 18 | h0396.jpg |
| 19 | h0663.jpg |
| 20 | h0366.jpg |
| 21 | h0633.jpg |
| 22 | h0388.jpg |

23 h0381.jpg
24 v0350.jpg
25 v0413.jpg
26 v0270.jpg
27 v0277.jpg
28 h0528.jpg
29 h0507.jpg
30 h0514.jpg
31 h0695.jpg
32 temp/derbinOn/page1of2
33 temp/derbinOn/page2of2
34 temp/derbinOn/next.htmlpage1of2
35 h0096.jpg
36 h0107.jpg
37 h0394.jpg
38 h0246.jpg
39 fd/main/.jpg
40 h0658.jpg
41 h0242.jpg
42 h0508.jpg
43 h0231.jpg
44 h0492.jpg
45 h0098.jpg
46 h0209.jpg
47 xhotpix.com/page1of9
48 saratoga.e-pid.org/prev.htmppage1of2
49 saratoga.e-pid.org/prev.htmppage2of2
50 h0706.jpg
51 h0707.jpg
52 h0718.jpg
53 h0710.jpg
54 h0716.jpg
55 h0605.jpg
56 h0645.jpg
57 v0655.jpg
58 h0463.jpg
59 h0467.jpg
60 h0483.jpg
61 h0254.jpg
62 h0269.jpg
63 h0293.jpg
64 lily.wamurl.com/pre3.html
65 12fox.com/vf/indexs.htmlpage1of5

66 12fox.com/vf/indexs.htmlpage2of5
67 12fox.com/vf/indexg.htmlpage2of7
68 12fox.com/vf/indexg.htmlpage3of7
69 12fox.com/vf/indexg.htmlpage4of7
70 12fox.com/vf/indexg.htmlpage5of7
71 fortarx.com/site/tour.htmlpage1of2
72 AS_107.JPG
73 gonggi/ub0552413245224005562
74 jk_003.jpg
75 cas-2-22.jpg
76 aa067.jpg
77 CA7MIQU2.jpg
78 004.jpg
79 10asfck1.jpg
80 10assfck.jpg
81 hard0508/31.jpg
82 lcs18-14.jpg
83 image24.htm
84 aa015.JPG
85 AT_193.JPG
86 AT_407.JPG
87 AT_153.JPG
88 AT_195.JPG
89 43-18.jpg
90 siris6.jpg
91 siris6c.jpg
92 siris5.jpg
93 B21.JPG
94 11-n3f12.jpg
95 aal_h063.jpg
96 as_213.jpg
97 as_340.jpg
98 as_214.jpg
99 AT_278.JPG
100 VEN07.JPG
101 VEN10.JPG
102 VEN05.JPG
103 as033.jpg
104 koro12.jpg
105 14.jpg
106 olya0091.jpg
107 olya0101.jpg
108 as_255.jpg

109 as_183.jpg
110 43-06.jpg
111 AT_155.JPG
112 B29.JPG
113 lcs18-11.jpg
114 ADINA-23.JPG
115 LL-N4-17.JPG
116 LL-N4-21.JPG
117 LL-N4-18.JPG
118 ll-n4-24.jpg
119 TOTRP9.JPG
120 hel-lo46.jpg
121 !!!!!ys.jpg
122 06FUC.JPG
123 image2.html
124 B01.JPG
125 0679.jpg
126 0674.jpg
127 kp006701.jpg
128 kp006700.jpg
129 image1.htm
130 aa037.jpg
131 preteen/3.jpg
132 preteen/11.jpg
133 hl-51-027_.jpg.htm
134 cindy08.jpg
135 fake_794.jpg
136 43-04a.jpg
137 ll-43-02.jpg
138 43_01b.jpg
139 ll-43-03.jpg
140 unknown-1798.jpg
141 hard0508/21.jpg
142 kp010801.jpg
143 preteen/1.jpg
144 h0234.jpg
145 0663.jpg
146 AT_190.JPG
147 AT_148.JPG
148 AT_081.JPG
149 AT_039.JPG
150 AT_044.JPG
151 kp000719.jpg

152 LL-P1-27.JPG
153 ch5.jpg
154 8796.jpg
155 011v.jpg
156 Im000104.jpg
157 a699978.jpg
158 10blow.jpg
159 behind2.jpg
160 ga-01.jpg
161 etnymph022001s
162 image18.htm
163 id=4&unixtime=...
164 etnymph110.JPG
165 sveta003.jpg
166 mclt0224.jpg
167 hel-lo13.jpg
168 h0425.jpg
169 phot0002.jpg
170 index2.html
171 aal_h057.jpg
172 AT_082.JPG
173 aa016.JPG
174 preview2.html
175 index2.html
176 12.jpg
177 as_237.jpg
178 AT_156.JPG
179 1133.jpg
180 LL-N4-16.JPG
181 AS_035.JPG
182 08~mist067.jpg
183 cath23.jpg
184 05B.JPG
185 aa008.jpg
186 43-12.jpg
187 vb77.jpg
188 AT_150.JPG
189 preview3.html
190 ccpp7asd/index.html
191 image3.htm
192 image27.htm
193 AT_385.JPG
194 AT_085.JPG

195 a699980.jpg
196 08~mist096.jpg
197 AT_175.JPG
198 AT_171.JPG
199 ll-el-08.jpg
200 AT_163.JPG
201 kp009011.jpg
202 hel-lo09.jpg
203 bangko03.jpg
204 athome01.jpg
205 B02.JPG
206 DCS00006.JPG
207 image3.html
208 as_308.jpg
209 hel-cum05.jpg
210 ADINA-25.JPG
211 cath11.jpg
212 kp000101.jpg
213 as_193.jpg
214 image1.html
215 image18.html
216 43-22a.jpg
217 hel-cum04.jpg
218 lcs18-18.jpg
219 Tour.html
220 HEA_010.JPG
221 preteen/13.jpg
222 kp000102.jpg
223 Copy%20of%20xx9.jpg
224 HEA_017.JPG
225 gal-10.jpg
226 014.JPG
227 _10ondad_.jpg
228 hel-lo09.jpg
229 5yearsol_3.jpg
230 lcs18-05.jpg
231 siris2f.jpg
232 betty-13.jpg
233 NATASH19.JPG

All in violation of Title 18, United States Code, Sections 2252A (a)(2)(A)&(B) and 2256.

Defendant committed the above offenses after he had a prior final conviction under the

laws of a state for offenses relating to sexual abuse and abusive sexual conduct involving a minor and which conviction affects the penalty provisions of Title 18, United States Code, section 2252A(b)(1).

COUNTS 234 - 241
[TRANSPORTING AND SHIPPING CHILD PORNOGRAPHY]

Between in or about July of 2000 and continuing up until on or about June 8, 2005, in the Northern District of New York and elsewhere, **DAVID FALSO**, the defendant herein, knowingly transported and shipped in interstate and foreign commerce by any means child pornography, in that, defendant transported and shipped in interstate and foreign commerce the following listed images/pictures knowing that the images/pictures contained a visual depiction and material containing a visual depiction the production of which involved the use of minors engaged in sexually explicit conduct, as defined in Title 18, U.S.C., section 2256, and each such image/picture is a separate Count of this Indictment:

| <u>COUNT</u> | <u>IMAGE</u> |
|--------------|--------------------|
| 234 | Production Image 1 |
| 235 | Production Image 2 |
| 236 | Production Image 3 |
| 237 | Production Image 4 |
| 238 | Production Image 5 |
| 239 | Production Image 6 |
| 240 | Production Image 7 |
| 241 | Production Image 8 |

All in violation of Title 18, United States Code, Sections 2252A (a)(1) and 2256.

Defendant committed the above offenses after he had a prior final conviction under the

laws of a state for offenses relating to sexual abuse and abusive sexual conduct involving a minor and which conviction affects the penalty provisions of Title 18, United States Code, section 2252A(b)(1).

COUNT 242
[POSSESSION OF CHILD PORNOGRAPHY]

Between in or about July of 2000 and continuing up until on or about June 8, 2005, in the Northern District of New York and elsewhere, **DAVID FALSO**, the defendant herein, did knowingly and willfully possess material which contains images of child pornography that have been mailed, shipped and transported in interstate and foreign commerce by any means, and which were produced using materials which have been so mailed, shipped and transported in interstate and foreign commerce by any means, in that, defendant knowingly possessed computers, computer hard drives, CD/DVD disks, paper, photographs, negatives and other materials containing numerous graphic images of child pornography, knowing that the images contained a visual depiction and material containing a visual depiction, the production of which involved the use of minors engaged in sexually explicit conduct as defined in Title 18, U.S.C., section 2256.

All in violation of Title 18, United States Code, Section 2252A(a)(5)(B).

Defendant committed the above offense after he had a prior final conviction under the laws of a state for offenses relating to sexual abuse and abusive sexual conduct involving a minor and which conviction affects the penalty provisions of Title 18, United States Code, section 2252A(b)(2).

FORFEITURE ALLEGATION RELATING TO COUNTS 1 - 242

Upon conviction of one or more of the offenses, alleged in Counts 1 through 242 of this Indictment, defendant **DAVID FALSO** shall forfeit to the United States pursuant to 18 U.S.C. § 2253, all visual depictions which were produced, transported, mailed, shipped or received in violation of the law; all property, real and personal, constituting or traceable to gross profits or other proceeds obtained from the offense(s); and all property, real and personal, used or intended to be used to commit or to promote the commission of the offense(s), including but not limited to the following:

1. REAL PROPERTY

All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 20 Peaceful Drive, Cortland, New York, as more particularly described in a Deed dated October 15, 1984 and recorded in the Cortland County Clerk's Office in Book 401 at Page 212, as follows:

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, with buildings and improvements thereon erected, situate, lying and being in the City of Cortland, County of Cortland and State of New York, bounded and described as follows: Beginning at a point in the center of Peaceful Drive which is 214 feet measured S 07° 50' W. of the intersection of the center line of Peaceful Drive and the center line of Oaklin Drive; running thence N. 82° 10' W. a distance of 125 feet to a point marked by a set pin; running thence S. 07° 50' W. a distance of 62 feet to a point marked by a set pin; running thence S. 82° 10' E. and passing through an existing pin in the west curb line of Peaceful Drive a distance of 125 feet to a point on the centerline of Peaceful Drive; running thence N. 07° 50' E. along the center line of Peaceful Drive a distance of 62 feet to the place of beginning.

That portion of the above described premises lying within the bounds of Peaceful Drive is conveyed subject to the rights of the public to use the same for street and highway purposes.

The foregoing description is made according to a survey made by J. Frederick Brady, L.S. 19665 on September 30, 1975.

This conveyance is made subject to all of the covenants, restrictions and provisions set forth in the deed of Walter C. Goff and Anna M. Goff to Donald L. and Yvonne G. Parker dated April 10, 1959.

Being the same premises conveyed by Deborah Lee Falso to David J. Falso by Deed dated the 15th day of October, 1984 and recorded in the Cortland County Clerk's Office on the 16th day of October, 1984 in Book 401 of Deeds at page 212.

2. PERSONAL PROPERTY

- a. A computer, no brand name, no serial numbers noted. Sticker on

back notes "QC Passed" with a line through 2003 and 4. A silver mini tower, with trays labeled DVD-ROM and CD-Writer. Computer also has a 3.5 disk drive. Silver on/off button. Computer face is silver with black trim. There is a windows logo sticker on the upper right front of face that says "Designed for Microsoft Winodw XP";

- b. Four (4) DVD+Rs labeled #1, #2, #3 and #4 respectively;
- c. Video tape labeled "Mademoiselle Striptease";
- d. Tcon DVD labeled "Sideways".

If any of the above-described forfeitable property, as a result of any act or omission of the defendant(s):

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to 18 U.S.C. § 2253(o), to seek forfeiture of any other property of said defendant(s) up to the value of the forfeitable property described above.

A TRUE BILL

Dated: June 16, 2005
Binghamton, New York

Elliott M. Hoyt
FOREPERSON OF THE GRAND JURY

GLENN T. SUDDABY
UNITED STATES ATTORNEY

Dated: June 16, 2005

Miroslav Lovric
By: Miroslav Lovric
Assistant U.S. Attorney